

# MEMORANDUM

Agenda Item No. 11(A)(23)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

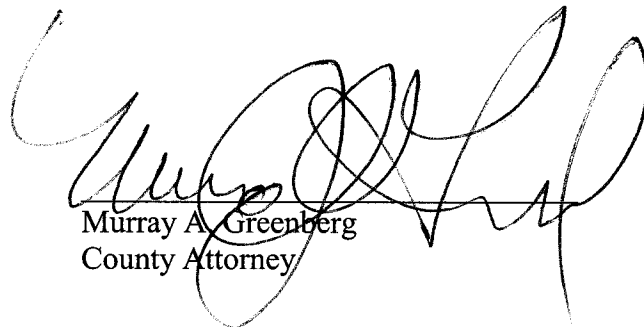
**DATE:** May 9, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution urging the  
Florida Legislature to  
defeat bills that would  
preempt local regulation  
and franchising of cable  
providers and establish  
statewide cable regulation

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The accompanying resolution was prepared and placed on the agenda at the request of  
Commissioner Barbara J. Jordan.



Murray A. Greenberg  
County Attorney

MAG/jls



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** May 9, 2006

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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(23)

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- \_\_\_\_\_ 6 weeks required between first reading and public hearing
- \_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing
- \_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget
- \_\_\_\_\_ Budget required
- \_\_\_\_\_ Statement of fiscal impact required
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing
- \_\_\_\_\_ Housekeeping item (no policy decision required)
- \_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A) (23)  
5-9-06

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
DEFEAT BILLS THAT WOULD PREEMPT LOCAL  
REGULATION AND FRANCHISING OF CABLE PROVIDERS  
AND ESTABLISH STATEWIDE CABLE REGULATION

**WHEREAS**, HB 1199 has been filed by Representative Trey Traviesa (R-Brandon) that would preempt local regulation of cable franchises and establish statewide regulation of cable franchises by the Florida Department of State; and

**WHEREAS**, since 1996, Miami-Dade County has fielded over 230,000 cable-related calls, 10,000 cable complaints and assisted Miami-Dade consumers in getting back over \$250,000 in refunds; and

**WHEREAS**, despite this strong track record of requiring customer service in Miami-Dade County, HB 1199 would eliminate local regulation of cable customer service standards and turn customer service over to the Florida Department of Agriculture and Consumer Services; and

**WHEREAS**, were HB 1199 or similar legislation to pass, local governments could no longer require cable service providers to provide free cable service to public schools, libraries and government buildings; and,

**WHEREAS**, funding now available for existing public, educational and government access channels and the ability to activate previously negotiated channels for future use would be eliminated if the proposed legislation becomes law; and

**WHEREAS**, Miami-Dade County's current cable franchising ordinance promotes widespread availability of cable service to county residents, establishes minimum standards for

the regulation and performance of cable systems in the County, and provides for other valuable consideration by the cable franchise for the use of public rights of way; and

**WHEREAS**, by preempting local regulation of cable systems, HB 1199 or similar legislation would reduce or eliminate the benefits that Miami-Dade County's current cable franchising ordinance provides to county residents,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to defeat legislation, including HB 1199 and similar legislation, that would preempt local regulation and franchising of cable providers and establish statewide cable regulation.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate against the passage of HB 1199 and similar legislation as set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2006 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Barbara J. Jordan and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman  
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro  
Audrey M. Edmonson  
Sally A. Heyman  
Dorrian D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Jose "Pepe" Diaz  
Carlos A. Gimenez  
Barbara J. Jordan  
Natacha Seijas  
Rebeca Sosa

The Chairman thereupon declared the resolution duly passed and adopted this 9<sup>th</sup> day of May, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

TWL for Jmm

Jess M. McCarty

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